



# Town of Moraga

Town Council  
P.O. Box 188  
Moraga, CA 94556

February 28, 2008

MRP Tentative Order Comments

Attn: Dale Bowyer

S.F. Bay Water Board

1515 Clay Street, Suite 1400

Oakland, California 94612

Subject: Proposed Municipal Regional Permit

Dear Mr. Bowyer:

The Town of Moraga would like to submit its comments on the Regional Water Quality Control Board's draft Municipal Regional Permit (MRP). After extensive review of the proposed requirements and comparison to the existing Permit we have determined that the new requirements represent a major increase in complexity and demand on our extremely limited public resources. The Town of Moraga **2007-08 adopted budget was less than \$10,000,000** – including capital projects and all funding sources.

Following are our comments on the proposed requirements. They are grouped into a general section and comments on specific sections.

## General Comments:

1. Scientific and technical studies: The draft MRP requires permittees to conduct several scientific and technical studies. These studies not only require expertise far beyond the skills normally found in a local agency, they require local resources to address subjects of regional or state-wide impact.
2. Cumulative impact: The draft MRP includes many new requirements for permittees, including studies, surveys and reporting. Individually, such requirements are manageable. However, with municipal resources already strained to provide current services, the sum of the additional requirements requires significant additional resources at a time when current resources are already strained.
3. New studies: The draft MRP requires many new studies, plans, surveys, and detailed reports including; Source Control Evaluation, PCB Sampling and Analysis, Fate and Transport Studies, Brake Pad/Desktop, Copper toxicity, PBDE, pesticides and selenium studies. Permittees not only do not currently have the needed expertise on staff, but do not have the staffing capacity or funding to conduct or contract for all the required studies. The Regional Board must either eliminate some of the studies or prioritize their implementation.

4. TMDL development: It is not the local agency's role to develop TMDLs. The draft MRP not only requires studies to determine current pollutant loadings, but also directs the permittees to essentially develop the TMDLs. This requires local agencies to address regional problems and coordinate with other State agencies to do so.
5. Volunteer work: While use of volunteers can be an effective way to achieve some of the required work, the Board's prescriptive approach to the studies, surveys, and protocols used require extensive training and coordination to meet the requirements. If the Board believes this is an effective approach, it must also accept the associated potential for incorrect or ineffective results and provide accommodation. The Board must also understand that changing protocols during the permit period will have a serious impact on local agency's ability to comply.

### **Specific Comments**

1. Street sweeping: Section C.2.b is unnecessarily prescriptive and presumes all local agencies either own and operate or exercise extensive control over contracted sweeping operations. While the MRP's requirements on operator training and equipment operation will certainly affect the way contract operators perform, such an impact will be over the long term and will most certainly result in significantly increased costs to the local agency.
2. Rural roads: Section C.2.h dictates construction and maintenance practices on rural roads. Although the section will not apply to most communities, in some semi-rural communities, including Moraga, outlying portions of the community may involve rural roads. Such roads often are located along creeks or drainage routes and may also be adjacent to steep hillside cuts. MRP required road repair work and culvert maintenance will mean significantly increased costs and maintenance that may not be consistent with street and road maintenance recommendations based on the Metropolitan Transportation Commission's Streetsaver program. This will result in directing scarce road/street maintenance resources away from recommended higher priority streets to address MRP requirements.
3. Road maintenance: Section C.3.b.i.5, requires stormwater treatment for road rehabilitation projects that reach the gravel base. In most cases within the local agency, the adjacent land is fully developed leaving no space for additional stormwater treatment devices. Further, with local agencies already having a backlog of road rehabilitation demands and very limited funding, the additional costs will aggravate the continued deterioration of our surface streets. Such requirements are only appropriate for new construction or major widening projects where right-of-way can be obtained and new treatment facilities can be designed into the project.
4. Policing regulators: Section C.9.e requires permittees to ensure federal and state regulators are complying with federal or state regulations. It is not the appropriate role of local agencies to police federal or state regulators compliance with their own regulations.

5. Public outreach: Section C.9.h requires permittees to conduct public outreach to consumers at points of purchase and in their choice of landscaping or pest-control companies. It is more appropriate that such outreach be handled by the state and federal agencies by controlling the labeling of consumer goods and the use of products used by landscaping and pest control agencies.
6. Trash: Section C.10.b.i requires installation of full trash capture infrastructure and prescribes where and how much of the storm-drain infrastructure will be equipped. The Board presumes that all areas have the same level of issue with trash. As a small suburban community, Moraga has demonstrated in past annual reports that we have less of an issue with trash than other communities. The MRP's requirements for trash capture devices represents a significant burden on limited capital and maintenance funds and offers little benefit to water quality while forcing the local agency to choose between critical services (safety and infrastructure maintenance) and water quality mandates. The Board must allow for some flexibility in the requirements to accommodate areas where trash is less of a problem. This section also mandates street-sweeping frequencies and enforceable curb parking restrictions. The Board should acknowledge that some communities do not have extensive parking restrictions and may have areas where such restrictions would represent a significant burden on residents of multi-family facilities. Mandatory parking restrictions would require a significant demand for new parking signs and represent a much increased demand for parking enforcement. Installation of parking restriction signs represents a major capital and expense burden. Significantly increased parking enforcement is not feasible in local agencies with very limited police staff.

I respectfully request that the Regional Board consider these general and specific comments. I also ask that the Board be proactive in working with the local communities to develop the funding sources necessary to implement the MRP and to revise implementation timelines to reflect the availability of revenue to support these measures. We all support improved stormwater quality, but must strive to ensure appropriate funding is available to implement the desired measures.

I look forward to further discussions on the Municipal Regional Permit and its requirements.

Sincerely,

A handwritten signature in cursive script that reads "Lynda Deschambault".

Lynda Deschambault  
Mayor, Town of Moraga